

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-0018-MWD-E **TCEQ ID:** RN101611820 **CASE NO.:** 32114
RESPONDENT NAME: City of Big Lake

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Big Lake WTP, 530 feet south of United States ("U.S.") Highway 67, approximately 1.14 miles east of the intersection of U.S. Highway 67 and State Highway 137, Reagan County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 18, 2007. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
Respondent: The Honorable Jack D. Blakely, Mayor, City of Big Lake, P.O. Box 310, Big Lake, Texas 76932
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 12, 2006</p> <p>Date of NOE Relating to this Case: November 28, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to monitor fecal coliform at least once per week, as documented during the October 12, 2006 investigation [30 TEX. ADMIN. CODE § 210.34 and Authorization No. R10038001 for Reclaimed Water, General Requirements IV.].</p> <p>2) Failed to timely submit MERs for January 2006 through September 2006, as documented during the October 12, 2006 investigation [30 TEX. ADMIN. CODE § 210.36(2) and Authorization No. R10038001 for Reclaimed Water, General Requirements V.(a)(2)].</p> <p>3) Failed to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006, as documented during the October 12, 2006 investigation [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Sludge Provisions].</p> <p>4) Failed to submit noncompliance notifications for May 2006 and August 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 7.a.].</p> <p>5) Failed to only transfer water meeting the limits described for Type II reclaimed</p>	<p>Total Assessed: \$24,850</p> <p>Total Deferred: \$4,970 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$19,880</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a. On October 13, 2006, ceased transferring reclaimed water to the golf course;</p> <p>b. On November 28, 2006, submitted the delinquent annual sludge report for 2006 to the TCEQ;</p> <p>c. On January 9, 2007, began monitoring fecal coliform on a weekly basis as required by Authorization No. R10038001 for Reclaimed Water;</p> <p>d. On January 9, 2007, submitted the delinquent noncompliance reports for the effluent violations which deviated from the permitted effluent limitation by more than 40 percent;</p> <p>e. On January 15, 2007, submitted the delinquent Monthly Effluent Reports ("MERs") for January through September 2006 to the TCEQ; and</p> <p>f. On January 23, 2007, submitted a request for the termination of Authorization No. R10038001 for Reclaimed Water which was granted on January 26, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p>

water use, as documented during the October 12, 2006 investigation [30 TEX. ADMIN. CODE § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III.].		
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Attachment A
Docket Number: 2007-0018-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Big Lake
Payable Penalty Amount:	Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)
SEP Amount:	Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Plugging Abandoned Water Wells
Location of SEP:	Reagan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to plug abandoned water wells where there is no responsible party that can be identified to plug the well.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the threat to state ground water supplies. Abandoned wells are a direct channel for contaminants to reach groundwater. This project will also reduce the safety threat abandoned wells pose to humans, livestock, and wildlife

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	4-Dec-2006	Screening	21-Dec-2006	EPA Due	
	PCW	4-Jan-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Big Lake		
Reg. Ent. Ref. No.	RN101611820		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32114	No. of Violations	5	
Docket No.	2007-0018-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **265%** Enhancement **Subtotals 2, 3, & 7** **\$18,550**

Notes The respondent self-reported 45 effluent violations, received four NOV's for same or similar violations, and was issued an Agreed Order containing a denial of liability.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes The respondent does not meet the culpability criteria

Good Faith Effort to Comply **10%** Reduction **Subtotal 5** **\$700**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes By January 23, 2007, the respondent had submitted the delinquent reports, had ceased transferring reclaimed water, and had terminated the Authorization for Reclaimed Water.

Total EB Amounts **\$43** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$890** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$24,850**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$24,850**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$24,850**

DEFERRAL

20%

Reduction

Adjustment **-\$4,970**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$19,880

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	49	245%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 265%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent self-reported 45 effluent violations, received four NOVs for same or similar violations, and was issued an Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 265%

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 210.34 and Authorization No. R10038001 for Reclaimed Water, General Requirements IV.

Violation Description

Failed to monitor fecal coliform at least once per week, as documented during the October 12, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to monitor fecal coliform levels could expose human health or the environment to significant amounts of pollutants which would not exceed levels protective of human health or environmental factors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

524 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	x
	annual	
	single event	

Violation Base Penalty \$3,000

Three semiannual events are recommended from the July 15, 2005 issuance date of the Authorization for Reclaimed Water to the December 21, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$10,650

This violation Final Assessed Penalty (adjusted for limits) \$10,650

Economic Benefit Worksheet

Respondent City of Big Lake
 Case ID No. 32114
 Reg. Ent. Reference No. RN101611820
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	15-Jul-2005	9-Jan-2007	1.5	\$37	n/a	\$37
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Cost is estimate for the labor and laboratory costs associated with the required monitoring. Date required is the date the Reclaimed Water Authorization was issued and the final date is that date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$37

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 210.36(2) and Authorization No. R10038001 for Reclaimed Water, General Requirements V.(a)(2)

Violation Description

Failed to timely submit Monthly Effluent Reports ("MERs") for January 2006 through September 2006, as documented during the October 12, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Most, but not all (about 30 percent) of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 9

304 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$900

Nine single events are recommended for the nine reports.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,195

This violation Final Assessed Penalty (adjusted for limits) \$3,195

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 32114
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$90	20-Feb-2006	15-Jan-2007	0.9	\$4	n/a	\$4

Notes for DELAYED costs

Cost is estimate for the preparation and administrative costs associated with the submittal of monthly reports. Date required is when the January 2006 report was due and the final date is when the reports were received.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$4

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010038001, Sludge Provisions

Violation Description

Failed to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006, as documented during the October 12, 2006 investigation .

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Most, but not all (about 70 percent) of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

89 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$355

This violation Final Assessed Penalty (adjusted for limits) \$355

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 32114
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2006	28-Nov-2006	0.2	\$1	n/a	\$1

Notes for DELAYED costs

Cost is estimate for administrative costs associated with the required completion and submittal of the annual sludge report. Date required is the due date and final date is the submittal date of the 2006 report.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 7.a

Violation Description Failed to submit noncompliance notifications for the months of May 2006 and August 2006 as documented during the October 12, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

199 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Two single events are recommended for the May and August 2006 missing reports.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,100

This violation Final Assessed Penalty (adjusted for limits) \$7,100

Economic Benefit Worksheet

Respondent: City of Big Lake
Case ID No.: 32114
Reg. Ent. Reference No.: RN101611820
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	5-Jun-2006	9-Jan-2007	0.6	\$1	n/a	\$1

Notes for DELAYED costs

Cost reflects administrative cost associated with the reporting requirement. Date required is when the first written report was due and final date is when the two noncompliant notifications were received.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 21-Dec-2006

Docket No. 2007-0018-MWD-E

PCW

Respondent City of Big Lake

Policy Revision 2 (September 2002)

Case ID No. 32114

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101611820

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III

Violation Description

Failed to only transfer water meeting the limits described for Type II reclaimed water use, as documented during the October 12, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Reclaimed water transferred to a golf course without meeting the required limits exposed human health or the environment to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental factors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

70 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended based upon the October 12, 2006 investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,550

This violation Final Assessed Penalty (adjusted for limits) \$3,550

Economic Benefit Worksheet

Respondent City of Big Lake
Case ID No. 32114
Reg. Ent. Reference No. RN101611820
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	12-Oct-2006	13-Oct-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Cost is estimate for the determination of whether or not the quality of the reclaimed water meets the limits established by the authorization prior to transferring the water to the golf course. Date required is the investigation date and the final date is when compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600671341	City of Big Lake	Classification: AVERAGE	Rating: 3.89
Regulated Entity:	RN101611820	BIG LAKE WTP	Classification: AVERAGE	Site Rating: 4.11
ID Number(s):	WASTEWATER	PERMIT	WQ0010038001	
	WASTEWATER	PERMIT	TPDES0023426	
	WASTEWATER	PERMIT	TX0023426	
	WASTEWATER LICENSING	LICENSE	WQ0010038001	
Location:	530 ft. s. of U.S. HWY 67, approx. 1.14 mi. e. of the intersect. of U.S. HWY. 67 and State HWY. 137, Reagan Co. TX		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	December 19, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 19, 2001 to December 19, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	512-239-4490	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 - Effective Date: 03/21/2005 ADMINORDER 2004-0311-MWD-E
 - Classification: Moderate
 - Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
 - Rqmt Prov: Effluent Limit PERMIT
 - Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- B. Any criminal convictions of the state of Texas and the federal government.
 - N/A
- C. Chronic excessive emissions events.
 - N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 04/19/2002 (167693)
 - 2 04/16/2003 (167694)
 - 3 06/06/2002 (167697)
 - 4 11/24/2004 (382767)
 - 5 07/22/2005 (441595)
 - 6 08/22/2005 (441596)
 - 7 12/20/2004 (382768)
 - 8 09/26/2005 (441597)
 - 9 01/24/2005 (382769)
 - 10 06/24/2002 (167700)
 - 11 07/18/2002 (167703)
 - 12 08/19/2002 (167706)
 - 13 09/20/2002 (167709)
 - 14 03/01/2006 (469970)
 - 15 10/28/2002 (167712)
 - 16 03/21/2005 (420575)
 - 17 04/21/2005 (420576)
 - 18 11/21/2002 (167715)
 - 19 05/23/2005 (420577)

20 06/21/2005 (420578)
 21 10/24/2005 (469971)
 22 12/27/2002 (167718)
 23 11/24/2003 (250356)
 24 01/17/2002 (167720)
 25 01/27/2003 (167721)
 26 11/23/2005 (469972)
 27 08/29/2003 (148962)
 28 12/27/2005 (469973)
 29 07/24/2006 (521199)
 30 08/26/2004 (292007)
 31 02/25/2004 (299414)
 32 03/24/2003 (299415)
 33 03/31/2004 (299416)
 34 04/22/2004 (299417)
 35 06/16/2003 (299418)
 36 07/16/2003 (299419)
 37 08/22/2003 (299420)
 38 11/28/2006 (515600)
 39 09/15/2003 (299421)
 40 10/27/2003 (299422)
 41 05/24/2004 (353735)
 42 05/02/2006 (499155)
 43 11/20/2003 (299423)
 44 06/24/2004 (353736)
 45 05/22/2006 (499156)
 46 12/22/2003 (299424)
 47 07/26/2004 (353737)
 48 06/30/2006 (499157)
 49 01/22/2004 (299425)
 50 08/23/2004 (353738)
 51 08/12/2005 (404502)
 52 09/22/2004 (353739)
 53 02/28/2006 (453973)
 54 02/27/2002 (167686)
 55 02/20/2003 (167687)
 56 10/27/2004 (353740)
 57 04/04/2002 (167689)
 58 05/21/2003 (382766)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2002	(167693)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date: 03/31/2003	(167694)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date: 04/30/2003	(382766)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date: 10/31/2004	(382767)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date: 12/31/2004	(382769)	

	total suspended solids (TSS), and pH.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)	
Description:	Failure to maintain a temperature log for the refrigerator that is used to store composite samples before shipping.	
Date:	06/30/2002 (167703)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2002 (167706)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/31/2002 (167709)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2002 (167712)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	02/28/2005 (420575)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	03/31/2005 (420576)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	01/31/2006 (469970)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2002 (167715)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	04/30/2005 (420577)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	05/31/2005 (420578)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/12/2005 (404502)	
Self Report?	NO	Classification: Moderate

Self Report? YES	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
TWC Chapter 26 26.121(a)[G]	
Description: Failure to meet the limit for one or more permit parameter	
Date: 08/29/2003 (148962)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to meet permit limitations for five-day biochemical oxygen demand (BOD5) daily average, total suspended solids (TSS) daily average, and pH single grab maximum.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to monitor five-day biochemical oxygen demand (BOD5) and total suspended solids (TSS) by composite sample.	
Self Report? NO	Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)	
Description: Failure to conduct required pH monitoring within the required holding time.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to maintain a plant inspection log.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)	
Description: Failure to provide documentation of calibration for pH instrumentation.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to provide equipment which measures the application rates and maintain records of the volume of effluent applied as irrigation water.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)	
Rqmt Prov: PERMIT IA	
Description: Failure to complete and/or submit Discharge Monitoring Reports forms (DMRs) for sludge use and disposal activities.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to maintain automatic flow measuring device or document calibration.	
Date: 05/31/2002 (167700)	
Self Report? YES	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
TWC Chapter 26 26.121(a)[G]	
Description: Failure to meet the limit for one or more permit parameter	
Date: 08/27/2004 (292007)	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to maintain automatic flow measuring device or document calibration.	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to meet the permit limitation for a single grab sample for the parameter of dissolved oxygen (DO).	
Self Report? NO	Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
Rqmt Prov: PERMIT IA	
Description: Failure to meet the permit limit for 5-day biochemical oxygen demand (BOD5),	

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain a temperature log for the refrigerator that is used to store composite samples before shipping.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to maintain the final effluent flow meter calibration so as to ensure accurate measurements.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to collect the correct sample type for effluent monitoring.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to conduct monitoring of pH at the required interval.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to meet the hold time for pH monitoring.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40% to the San Angelo Region Office and the Enforcement Division (MC 224) within 5 days of becoming aware of the noncompliance.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to maintain a calibration log for the pH meter.
 Date: 11/30/2002 (167718)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2002 (167721)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2006 (453973)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to submit written noncompliance notification for effluent violations which deviate from the permitted effluent limitation by more than 40% to the San Angelo Region Office and the Enforcement Division (MC 224) within 5 days of becoming aware of the noncompliance.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to maintain the final effluent flow meter calibration so as to ensure accurate measurements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 210, SubChapter C 210.33(2)(B)
 Description: Failure to monitor fecal coliform as required by the City of Big Lake's Reclaim Water Authorization.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 210, SubChapter C 210.36(2)[G]
 Description: Failure to complete and submit Monthly Effluent Report (MER) forms required by the City of Big Lake's Reclaim Water Authorization.
 Date: 10/31/2005 (469972)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2006 (521199)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2004 (299414)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2003 (299415)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2005 (441595)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2004 (299417)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2005 (469973)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2003 (299418)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (299419)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2003 (299420)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2005 (441597)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2003 (299421)

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2003 (299422)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	04/30/2004 (353735)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	03/31/2006 (499155)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2003 (299423)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	05/31/2004 (353736)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	04/30/2006 (499156)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2003 (299424)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2004 (353737)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	05/31/2006 (499157)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	12/31/2003 (299425)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	07/31/2004 (353738)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2004 (353739)
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2003 (167687)
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2004 (353740)
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2002 (167689)
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BIG LAKE
RN101611820**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0018-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Big Lake ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility 530 feet south of United States ("U.S.") Highway 67, approximately 1.14 miles east of the intersection of U.S. Highway 67 and State Highway 137, in Reagan County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 2, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Four Thousand Eight Hundred Fifty Dollars (\$24,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Four Thousand Nine Hundred Seventy Dollars (\$4,970) is deferred contingent

upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. On October 13, 2006, ceased transferring reclaimed water to the golf course;
 - b. On November 28, 2006, submitted the delinquent annual sludge report for 2006 to the TCEQ;
 - c. On January 9, 2007, began monitoring fecal coliform on a weekly basis as required by Authorization No. R10038001 for Reclaimed Water;
 - d. On January 9, 2007, submitted the delinquent noncompliance reports for the effluent violations which deviated from the permitted effluent limitation by more than 40 percent;
 - e. On January 15, 2007, submitted the delinquent Monthly Effluent Reports ("MERs") for January through September 2006 to the TCEQ; and
 - f. On January 23, 2007, submitted a request for the termination of Authorization No. R10038001 for Reclaimed Water which was granted on January 26, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to monitor fecal coliform at least once per week, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 210.34 and Authorization No. R10038001 for Reclaimed Water, General Requirements IV., as documented during an investigation conducted on October 12, 2006.
2. Failed to timely submit MERs for January 2006 through September 2006, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 210.36(2) and Authorization No. R10038001 for Reclaimed Water, General Requirements V.(a)(2), as documented during an investigation conducted on October 12, 2006.
3. Failed to timely submit annual sludge report for the period ending July 31, 2006 by September 1, 2006, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010038001, Sludge Provisions, as documented during an investigation conducted on October 12, 2006.
4. Failed to submit noncompliance notifications for May 2006 and August 2006 as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010038001, Monitoring and Reporting Requirements No. 7.a.
5. Failed to only transfer water meeting the limits described for Type II reclaimed water use, as documented during the October 12, 2006 investigation, in violation of 30 TEX. ADMIN. CODE § 210.33 and Authorization No. R10038001 for Reclaimed Water, General Requirements III., as documented during an investigation conducted on October 12, 2006.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Big Lake, Docket No. 2007-0018-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TCEQ

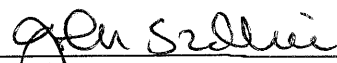
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SIGNATURE PAGE**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission



For the Executive Director

8/20/2007


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-3-07

Date

Jack D. Blakeley

Name (Printed or typed)
Authorized Representative of
City of Big Lake

Mayor

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0018-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Big Lake
Payable Penalty Amount:	Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)
SEP Amount:	Nineteen Thousand Eight Hundred Eighty Dollars (\$19,880)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Plugging Abandoned Water Wells
Location of SEP:	Reagan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to plug abandoned water wells where there is no responsible party that can be identified to plug the well.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the threat to state ground water supplies. Abandoned wells are a direct channel for contaminants to reach groundwater. This project will also reduce the safety threat abandoned wells pose to humans, livestock, and wildlife

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

